

FILED

General Complaint Form for Pro Se Litigants

2005 NOV 17 PM 2:33**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION****Michael J. Mirras**

vs.

Case No.:

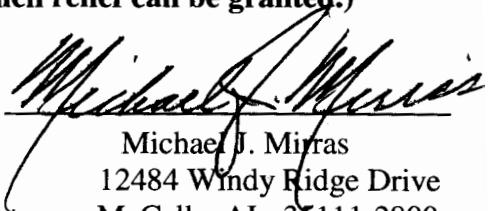
CV-05-J-2360-S

Trans Union LLC

1. At all time hereinafter mentioned, plaintiff was and still is a resident of the State of Alabama, County of Tuscaloosa. Plaintiff resides at 12484 Windy Ridge Drive, McCalla, Alabama, 35111
2. Defendant, Trans Union is a corporation incorporated under the laws of Delaware and has a main office at PO Box 2000, Chester, Pennsylvania, 19022 and is licensed to do business in Alabama. Defendant's official business address is 555 W. Adams St., Chicago, IL. 60661
3. The Jurisdiction of this court is invoked pursuant to the Fair Credit Reporting Act 15 USC §1681, *et seq.* Section 618 §1681p.
4. Statement of Claim:

The Defendant Trans Union has violated the law and the Plaintiffs civil rights under the Fair Credit Reporting Act 15 USC §1681, *et seq.* (See attached claim/complaint and Statement upon which relief can be granted.)

Dated this 17TH day of November 2005



Michael J. Mirras
12484 Windy Ridge Drive
McCalla, AL. 35111-2800
205-938-1982/559-4610

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

Michael J. Mirras
Plaintiff

Vs.

Case No.:

Trans Union LLC
Defendant

PLAINTIFFS' STATEMENT OF CLAIM

COMES NOW the Plaintiff, Michael J. Mirras.

Cause of action: Under the Fair Credit Reporting Act Sections [15 U.S.C. § 1681n], [15 U.S.C. § 1681o]

Plaintiff respectfully submits Plaintiffs Statement of Claim and Statement Upon Which Relief Can Be Granted. Trial by Jury is demanded.

Statement of Claim

The Defendant is a National Credit Reporting Agency and is governed under the law by the Fair Credit Reporting Act 15 USC §1681, *et seq.*

Thus establishing the jurisdiction of this honorable court. Specifically section 618
15 U.S.C. § 1681p of the FCRA.

As such the Defendant reports and maintains credit ratings and credit worthiness of consumers for their customers namely Banks, Credit Card Companies, Mortgage lenders, collection agencies, insurance companies and other credit reporting agencies etc.

1. The Plaintiff requested a copy of his Credit Report from Trans union in October 2003. The Plaintiff found erroneous and inaccurate information in the report and disputed this with Trans Union by Certified Mail which was received by Trans Union on October 7,2003.
 2. Trans Union sent the Plaintiff an updated report dated November 04,2003 # 122086805-008. Upon inspection Trans Union had deleted seven (7) accounts they had been reporting erroneously. However the account name on the report

46 was in the name of a Michael J. Mirras Jr. Although the social security number on
 47 the report belonged to the Plaintiff and Trans Union reported accurate accounts
 48 belonging to the Plaintiff. The report also indicated that the Plaintiff had been in
 49 "Trans Unions files since 05/2001". Further the Plaintiff found a second report
 50 sent to him in the same envelope 122086805-008 listed in the name of Michael J.
 51 Mirras Jr. with additional trade lines listed in it belonging to the Plaintiff. The
 52 address on the report was from a former address of the Plaintiff. With the
 53 statement that "you have been in our files since 12/1984". Upon inspection the
 54 Plaintiff then found that the Defendant had re-inserted two of the deleted accounts
 55 found on the first page of the enclosed first report into this second report. WFS
 56 Financial and Providian. The Defendant did not inform the Plaintiff of the re-
 57 insertion within 5 days of this action as required under FCRA.
 58 The Plaintiff's legal name is Michael J. Mirras and has no legal document
 59 showing any other name nor has the Plaintiff ever used any name other then as
 60 stated.

61

- 62 3. The plaintiff then disputed the information in the report of November 04,2003
 63 with Trans Union via US Mail and received a report from Trans Union dated
 64 December 08,2003 #12086805-011 the name on the report was correct and the
 65 report stated that "you have been in or files since 05/2001". Trans Union had
 66 deleted three (3) additional derogatory accounts. This report consisted of 5 double
 67 sided pages. Upon further inspection by the Plaintiff there was found to be an
 68 additional report with the Plaintiffs former address on it consisting of 4 double
 69 sided pages Plaintiff's name on it along with the Plaintiff's Social Security
 70 Number. This report stated "you have been in or files since 12/1984". However
 71 Trans Union had re-inserted 4 previous accounts/trade lines WFS Financial and
 72 Sherman Acquisition and Gates Credit Union 2 times which they had
 73 removed/deleted from the report of November 04,2003# 122086805-008. Upon
 74 further inspection a third report was found consisting of one double sided page in
 75 the Plaintiffs name from another previous address stating "you have been in our
 76 files since 10/2003". However Trans Union had re-inserted two previous
 77 accounts/trade lines WFS Financial and Sherman Acquisition which they had
 78 removed/deleted from the report of November 04,2003. The defendant did not
 79 inform the Plaintiff of this within five days as required under the FCRA. Nor at
 80 any time before or after receipt of this report on any of the aforementioned
 81 reinserted trade lines.
- 82 4. The Plaintiff sent another letter Certified Mail to Trans Union dated March
 83 5,2004 which Trans Union received on March 9,2004 to dispute additional
 84 derogatory and erroneous accounts that had been list on the report of December
 85 08,2003 #12086805-011. The Plaintiff in his letter to Trans Union also asked the
 86 Defendant to provide the method they used to verify the information and the
 87 contact name of the person for each trade line in dispute that the Plaintiff was
 88 disputing as follows. *"Be advised that the description of the procedure used to
 89 determine the accuracy and completeness of the information is hereby requested
 90 as well, to be provided within 15 days of the completion of your re-investigation.*

- 92 *Please include a contact name from which all information is obtained".*
- 93 This is the Plaintiffs right under the law FCRA 15 U.S.C. 1681i The Plaintiff also
 94 enclosed in this letter additional proof of identity a copy of the Plaintiffs US
 95 Passport and Alabama driver's license.
- 96 To date the Defendant has never provided the requested information. Additionally
 97 the Plaintiff sent letters of validation to all the trade lines in dispute directly
 98 through US mail certified asking the companies to validate their listing in the
 99 Plaintiff's Trans Union report.
- 100 To date the Plaintiff has never received a response from any of these trade line
 101 accounts listed as disputed trade lines. The Plaintiff has all certified mailings and
 102 letters showing the dates received and signed for by these trade lines. These letters
 103 were sent in the same time frame as Trans Union should have been doing their
 104 investigation, March 9,2004 through April 7,2004 as Trans Union is required
 105 under the law to perform these investigations within 30 days.
- 106
- 107 5. On or about April 6, 2004 the Plaintiff received two credit reports dated
 108 04/02/2004 #12086805-018 one in the name of Michael J. Mirras Jr. and stating
 109 "you have been in our files since 12/1984". The other report in the name of the
 110 Plaintiff Michael J. Mirras stating "you have been in our files since 05/2001"
 111 Both reports bore the correct social security number of the Plaintiff. The report in
 112 Mirras Jr. had two trade lines deleted Loan Servicing Center and Green
 113 Tree/Retail. The report with the Michael J. Mirras on it had the same two trade
 114 lines re-inserted into that report. At no time did Trans Union inform the Plaintiff
 115 with in five days as required under the law that the re-insertion had occurred.
 116 Upon further inspection of the report with the name correct on it, appeared
 117 another trade line re-inserted namely Providian, which had been deleted from the
 118 report of December 08, 2003. Again no notice of the re-insertion as required
 119 under the law with in five days. Also the defendant did not provide their method
 120 of contact and a contact phone number as demanded in the Plaintiffs letter of
 121 March 5,2004.
- 122
- 123 6. The Plaintiff called by telephone to the 800 number listed on the report to the
 124 Defendants office on or about April 6,2004 and spoke with a representative who
 125 identified himself as Jason. The Plaintiff asked for explanation of why there are
 126 two reports with different names on them and why the Defendant had reinserted
 127 the previously deleted trade lines? The representative said he would fix this and
 128 send a new report. On or about April 13,2004 the Plaintiff received the report
 129 dated April 09,2004. The report was in the Name of the Plaintiff Michael J.
 130 Mirras. Plaintiff's social security number was correct and the report stated "you
 131 have been in our files since 12/1984". The Defendant had again re-inserted into
 132 this report the Providian trade line which had been deleted in the Plaintiff's report
 133 of 12/08/2003 no notification of this being re-inserted was received by the
 134 Plaintiff within five days as required by the FCRA.
- 135
- 136 7. On April 20,2004 the plaintiff sent another letter as follow up to dispute the report
 137 dated April 9,2004. The Plaintiff also included in this letter, copies of all letters

138 the Plaintiff had sent to the derogatory trade lines along with copies of the
 139 certified mailings as proof of contact with these company/trade lines. And
 140 informed the Defendant that the Plaintiff had done this during the same time
 141 period that the Defendant was doing their investigation and received no response
 142 from any of these companies.

143 The Plaintiff also asked the question "*how did you Trans Union verify these*
 144 *accounts when the Plaintiff had not gotten any verification from any of these*
 145 *companies?*" The Plaintiff also informed the Defendant of their unlawful action
 146 and that if the Plaintiffs reports were not corrected that he would seek legal action
 147 against Trans Union. To date Trans Union has never responded to any of these
 148 letters with any type of defense or explanation.

149

150 8. On May 2,2004 the Plaintiff sent a follow up letter to the Defendant. In reference
 151 to the previous letter sent to the Defendant on April 20,2004 as the Defendant did
 152 not answer that letter. In this letter the Plaintiff reiterated his objections to the
 153 erroneous and derogatory trade lines referenced in his letter sent on March 5,
 154 2004 and April 20,2004 The Plaintiff advised the defendant that he had asked for
 155 a description and contact name used to verify the derogatory information in the
 156 report, which the defendant had not removed.

157 The Plaintiff also reminded the Defendant that he had sent evidence of proof that
 158 the Plaintiff had contacted the disputed trade lines with no response from them.
 159 All letters the Plaintiff had sent to the derogatory trade lines along with copies of
 160 the certified mailings as proof of contact with these companies/trade lines had
 161 been sent to Trans Union via certified US Mail. And again informed the
 162 Defendant that the Plaintiff had done this during the same time period that the
 163 Defendant was doing their investigation and received no response from any of
 164 these companies.

165 The Plaintiff also asked the question a second time "*how did you Trans Union*
 166 *verify these accounts when the Plaintiff had not gotten any verification from any*
 167 *of these companies?*" The Plaintiff also informed the Defendant of their unlawful
 168 action and that if the Plaintiffs reports were not corrected that he would seek legal
 169 action against Trans Union. To date Trans Union has never responded to any of
 170 these letters with any type of defense or explanation.

171

172 9. The plaintiff received a report # 122086805-029 from Trans Union dated
 173 07/05/2004. Plaintiff assumes this was a follow up report from his letter of dispute
 174 sent May 2,2004. The name on the report Michael J. Mirras Jr. with statement
 175 "you have been in our files since 12/1984". However under the law the Defendant
 176 must complete their investigation within 30 days and they are also allowed an
 177 additional 15 days when asked for contact information etc under the FCRA.
 178 Plaintiff received this report some time after July 5,2004 more then 60 days after
 179 the request for dispute and contact information. The Defendant had deleted 4
 180 accounts however some of these accounts were not disputed but had been
 181 removed for whatever reason the defendant saw fit.

182

- 183 10. The Plaintiff on or about July 10, 2004 disputed the erroneous and inaccurate
184 information again at the Trans Union Internet site this was from the report
185 supplied by the Defendant dated 07/05/2004 #122086805-029. These were
186 accounts that were shown as being open but were actually closed.
- 187
- 188 11. The Defendant sent the Plaintiff report #122086805-032 dated 08/11/2004 again
189 in the name Michael J. Mirras Jr. with statement "you have been in our files since
190 12/1984". The Defendant deleted two accounts BankFirst and Spiegel and these
191 were good accounts and should have been reported as closed not deleted. Updated
192 2 other accounts that had been disputed as in error but were not deleted from the
193 report. Two of these accounts were part of the original dispute of April 20 and
194 May 2, 2004
- 195
- 196 12. Plaintiff then disputed the accounts from his original letters of April 20 and May
197 2,2004 and 8/11/2004. At the Trans Union Internet site. Defendant responded
198 with Plaintiffs report in the name of Michael J. Mirras Jr. #122086805-037 dated
199 10/04/2004. With the statement "you have been in our files since 12/1984". One
200 of the disputed items was deleted and the other 5 updated but not
201 removed/deleted.
- 202
- 203 13. The Plaintiff on or about October 24,2004 filed dispute at the Trans Union
204 Internet site on erroneous trade lines that were disputed in the Plaintiffs letters of
205 March, April and May 2004. The Defendant responded with a letter-dated
206 10/26/2004. Saying this was considered "frivolous and we will not reinvestigate".
- 207
- 208 14. On or about October 15,2004 the Plaintiff found an unauthorized inquiry dated
209 October 2004 in his report at Trans Union. Plaintiff called Trans Union and asked
210 them to verify that there had been an inquiry. The Plaintiff had not made any
211 request for credit, thus there should not have been any new inquiries in the report.
212 Trans Union confirmed the inquiry and the plaintiff asked to have a report sent to
213 him. The Defendant sent report #122086805-042 the name on the report Michael
214 J. Mirras Jr. with statement "you have been in our files since 12/1984". Also
215 included was a separate report in the name of Michael J. Mirras Jr. with statement
216 "you have been in our files since 10/2004". Inserted into that report was a
217 previously deleted account that had been deleted from the report of
218 11/04/2003#122086805-008.WFS Financial. The defendant sent no notice of re-
219 insertion as required under the FCRA with in 5 days.
- 220
- 221 15. The Plaintiff sent a letter to Trans Union certified mail on October 23,2004.
222 Stating the issue about the aforementioned reinsertion of WFS Financial along
223 with the a copy of the report page and the following documents as proof of the
224 Plaintiffs identification for a second time, along with the statement that the correct
225 name is Michael J. Mirras no Jr. ever. The Plaintiff sent the following documents
226 as proof:
227 Copies of the following: US Passport, US birth certificate, Alabama Drivers
228 License and Social Security Card, cover pages from Experian and Equifax. This is

229 the second time the Plaintiff has sent documentation to prove his identity to the
 230 Defendant.

- 231
- 232 16. On November 4, 2004 the Plaintiff received a response to the letter the Plaintiff
 233 sent on October 23, 2004. The Defendant states that '*their records show that this*
 234 *creditor was previously verified as accurate. Therefore under FCRA we consider*
 235 *this dispute frivolous*', WFN Value City, unfortunately this was not the account
 236 in question in Plaintiff's dispute letter of October 23,2004 in fact this is an
 237 account in excellent standing. WFS Financial is the alleged creditor in question
 238 which again was deleted from the account in 11/04/2003 and has been re-inserted
 239 several times. Trans Union also states that they will need additional 15 days to
 240 investigate the other items sent.
- 241
- 242 17. On or about September 15, 2005 Plaintiff was reviewing his credit report that is
 243 monitored by Privacy Guard and found several erroneous issues. The defendant
 244 had again inserted WFS financial and EMC mortgage into the report without
 245 notification to the Plaintiff. These had originally been deleted in the Plaintiffs
 246 report of 11/04/2003 #122086805-008
- 247
- 248 18. Plaintiff also noticed three new trade lines issued AFS and NVNA. Plaintiff filed
 249 a dispute via certified mail to the defendant asking for contact name and phone
 250 number and informed the Defendant that 15 extra days were allowed for their
 251 investigation. The Defendant responded with a letter saying, "Verification
 252 Documents are not available". Dated 9/19/2005.
- 253
- 254 19. The Defendant then sent a new report dated 10/11/05(file # 144209481) and on
 255 that cover letter stated that the Plaintiff could ask for contact information, "name,
 256 address, telephone of anyone we contacted". The report was in the name of
 257 Michael J. Mirras with a statement "you have been in our files since 02/1993".
 258 Again the Plaintiff had requested this information in his letter of September
 259 19,2005 and was told "verification documents are not available" in the response
 260 from Trans Union dated September 19,2005. To date the Defendant has never
 261 supplied the requested contact information as requested by the Plaintiff.
- 262
- 263 20. Plaintiff has a negative Trans Union Credit Score of 547 as of this date and has
 264 been denied credit at reasonable rates and or at higher rates because of the
 265 negligent noncompliance actions and/or inaction's of the Defendant.
- 266
- 267 21. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 20
 268 hereinabove.
- 269
- 270 22. The Plaintiff alleges that the Defendant has violated the law and the Plaintiffs
 271 Civil Rights under the Fair Credit Reporting Act 15 USC §1681, *et seq*. The
 272 Plaintiff Seeks judgement on the following counts as listed.
- 273

274 23. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 23
275 hereinabove.

276 **§ 611. Procedure in case of disputed accuracy [15 U.S.C. § 1681i]**

277 (a) Reinvestigations of disputed information.

278 (1) Reinvestigation required.

279 (A) In general. If the completeness or accuracy of any item of information
280 contained in a consumer's file at a consumer reporting agency is disputed by the
281 consumer and the consumer notifies the agency directly of such dispute, the
282 agency shall reinvestigate free of charge and record the current status of the
283 disputed information, or delete the item from the file in accordance with
284 paragraph (5), before the end of the 30-day period beginning on the date on which
285 the agency receives the notice of the dispute from the consumer.

286 (B) Extension of period to reinvestigate. Except as provided in subparagraph (C),
287 the 30-day period described in subparagraph (A) may be extended for not more
288 than 15 additional days if the consumer reporting agency receives information
289 from the consumer during that 30-day period that is relevant to the
290 reinvestigation.

291 (C) Limitations on extension of period to reinvestigate. Subparagraph (B) shall
292 not apply to any reinvestigation in which, during the 30-day period described in
293 subparagraph (A), the information that is the subject of the reinvestigation is
294 found to be inaccurate or incomplete or the consumer reporting agency
295 determines that the information cannot be verified.

296 (2) Prompt notice of dispute to furnisher of information.

297 (A) In general. Before the expiration of the 5-business-day period beginning on
298 the date on which a consumer reporting agency receives notice of a dispute from
299 any consumer in accordance with paragraph (1), the agency shall provide
300 notification of the dispute to any person who provided any item of information in
301 dispute, at the address and in the manner established with the person. The notice
302 shall include all relevant information regarding the dispute that the agency has
303 received from the consumer.

304 (B) Provision of other information from consumer. The consumer reporting
305 agency shall promptly provide to the person who provided the information in
306 dispute all relevant information regarding the dispute that is received by the
307 agency from the consumer after the period referred to in subparagraph (A) and
308 before the end of the period referred to in paragraph (1)(A).

309 (3) Determination that dispute is frivolous or irrelevant.

310 (A) In general. Notwithstanding paragraph (1), a consumer reporting
311 agency may terminate a reinvestigation of information disputed by a
312 consumer under that paragraph if the agency reasonably determines
313

314 that the dispute by the consumer is frivolous or irrelevant, including by
 315 reason of a failure by a consumer to provide sufficient information to
 316 investigate the disputed information.

317 (B) Notice of determination. Upon making any determination in
 318 accordance with subparagraph (A) that a dispute is frivolous or
 319 irrelevant, a consumer reporting agency shall notify the consumer of
 320 such determination not later than 5 business days after making such
 321 determination, by mail or, if authorized by the consumer for that
 322 purpose, by any other means available to the agency.

323 (C) Contents of notice. A notice under subparagraph (B) shall include

324 (i) the reasons for the determination under subparagraph (A); and
 325 (ii) identification of any information required to investigate the
 326 disputed information, which may consist of a standardized form
 327 describing the general nature of such information.

328 (4) Consideration of consumer information. In conducting any reinvestigation
 329 under paragraph (1) with respect to disputed information in the file of any
 330 consumer, the consumer reporting agency shall review and consider all relevant
 331 information submitted by the consumer in the period described in paragraph
 332 (1)(A) with respect to such disputed information.

333 (5) Treatment of inaccurate or unverifiable information.

334 (A) In general. If, after any reinvestigation under paragraph (1) of any
 335 information disputed by a consumer, an item of the information is
 336 found to be inaccurate or incomplete or cannot be verified, the
 337 consumer reporting agency shall promptly delete that item of
 338 information from the consumer's file or modify that item of
 339 information, as appropriate, based on the results of the reinvestigation.

340 (B) Requirements relating to reinsertion of previously deleted material.

341 (i) Certification of accuracy of information. If any information is
 342 deleted from a consumer's file pursuant to subparagraph (A), the
 343 information may not be reinserted in the file by the consumer reporting
 344 agency unless the person who furnishes the information certifies that
 345 the information is complete and accurate.

346 (ii) Notice to consumer. If any information that has been deleted from
 347 a consumer's file pursuant to subparagraph (A) is reinserted in the file,
 348 the consumer reporting agency shall notify the consumer of the
 349 reinsertion in writing not later than 5 business days after the
 350 reinsertion or, if authorized by the consumer for that purpose, by any
 351 other means available to the agency.

(iii) Additional information. As part of, or in addition to, the notice under clause (ii), a consumer reporting agency shall provide to a consumer in writing not later than 5 business days after the date of the reinsertion

(I) a statement that the disputed information has been reinserted;

357 (II) the business name and address of any furnisher of information
358 contacted and the telephone number of such furnisher, if reasonably
359 available, or of any furnisher of information that contacted the
360 consumer reporting agency, in connection with the reinsertion of such
361 information; and

(III) a notice that the consumer has the right to add a statement to the consumer's file disputing the accuracy or completeness of the disputed information.

(C) Procedures to prevent reappearance. A consumer reporting agency shall maintain reasonable procedures designed to prevent the reappearance in a consumer's file, and in consumer reports on the consumer, of information that is deleted pursuant to this paragraph (other than information that is reinserted in accordance with subparagraph (B)(i)).

370 (D) Automated reinvestigation system. Any consumer reporting agency that
371 compiles and maintains files on consumers on a nationwide basis shall
372 implement an automated system through which furnishers of information to
373 that consumer reporting agency may report the results of a reinvestigation that
374 finds incomplete or inaccurate information in a consumer's file to other such
375 consumer reporting agencies.

376 (6) Notice of results of reinvestigation.

377 (A) In general. A consumer reporting agency shall provide written notice to a
378 consumer of the results of a reinvestigation under this subsection not later than
379 5 business days after the completion of the reinvestigation, by mail or, if
380 authorized by the consumer for that purpose, by other means available to the
381 agency.

(B) Contents. As part of, or in addition to, the notice under subparagraph (A), a consumer reporting agency shall provide to a consumer in writing before the expiration of the 5-day period referred to in subparagraph (A)

385 (i) a statement that the reinvestigation is completed;

(ii) a consumer report that is based upon the consumer's file as that file is revised as a result of the reinvestigation;

(iii) a notice that, if requested by the consumer, a description of the procedure used to determine the accuracy and completeness of the information shall be

390 provided to the consumer by the agency, including the business name and
391 address of any furnisher of information contacted in connection with such
392 information and the telephone number of such furnisher, if reasonably
393 available;

394 (iv) a notice that the consumer has the right to add a statement to the
395 consumer's file disputing the accuracy or completeness of the information;
396 and

397 (v) a notice that the consumer has the right to request under subsection (d) that
398 the consumer reporting agency furnish notifications under that subsection.

399 (7) Description of reinvestigation procedure. A consumer reporting agency shall
400 provide to a consumer a description referred to in paragraph (6)(B)(iii) by not later
401 than 15 days after receiving a request from the consumer for that description.

402 (8) Expedited dispute resolution. If a dispute regarding an item of information in a
403 consumer's file at a consumer reporting agency is resolved in accordance with
404 paragraph (5)(A) by the deletion of the disputed information by not later than 3
405 business days after the date on which the agency receives notice of the dispute from
406 the consumer in accordance with paragraph (1)(A), then the agency shall not be
407 required to comply with paragraphs (2), (6), and (7) with respect to that dispute if the
408 agency

409 (A) provides prompt notice of the deletion to the consumer by telephone;

410 (B) includes in that notice, or in a written notice that accompanies a
411 confirmation and consumer report provided in accordance with
412 subparagraph (C), a statement of the consumer's right to request under
413 subsection (d) that the agency furnish notifications under that
414 subsection; and

415 (C) provides written confirmation of the deletion and a copy of a
416 consumer report on the consumer that is based on the consumer's file
417 after the deletion, not later than 5 business days after making the
418 deletion.

419 (b) Statement of dispute. If the reinvestigation does not resolve the dispute,
420 the consumer may file a brief statement setting forth the nature of the dispute.
421 The consumer reporting agency may limit such statements to not more than
422 one hundred words if it provides the consumer with assistance in writing a
423 clear summary of the dispute.

424 (c) Notification of consumer dispute in subsequent consumer reports. Whenever a
425 statement of a dispute is filed, unless there is reasonable grounds to believe that it is
426 frivolous or irrelevant, the consumer reporting agency shall, in any subsequent
427 consumer report containing the information in question, clearly note that it is disputed
428 by the consumer and provide either the consumer's statement or a clear and accurate
429 codification or summary thereof.

430 (d) Notification of deletion of disputed information. Following any deletion of
431 information which is found to be inaccurate or whose accuracy can no longer be
432 verified or any notation as to disputed information, the consumer reporting agency
433 shall, at the request of the consumer, furnish notification that the item has been
434 deleted or the statement, codification or summary pursuant to subsection (b) or (c) of
435 this section to any person specifically designated by the consumer who has within
436 two years prior thereto received a consumer report for employment purposes, or
437 within six months prior thereto received a consumer report for any other purpose,
438 which contained the deleted or disputed information.

439

440 COUNT I through COUNT XI
441 VIOLATION OF THE FAIR CREDIT REPORTING ACT

442

443 On November 4, 2003 the Defendant re-inserted WFS Financial into the Plaintiffs
444 report and did not provide 5 day notification as outlined in section 5(ii)(iii)(A)
445 Plaintiff demands judgement in the amount of \$1000.00

446

447 COUNT II

448

449 On November 4, 2003 the Defendant re-inserted Providian into the Plaintiffs report
450 and did not provide 5 day notification as outlined in section 5(ii)(A)
451 Plaintiff demands judgement in the amount of \$1000.00

452

453 COUNT III

454

455 On December 08, 2003 the Defendant re-inserted Providian into the Plaintiffs report
456 and did not provide 5 day notification as outlined in section 5(ii)(iii)(A)
457 Plaintiff demands judgement in the amount of \$1000.00

458

459 COUNT IV

460

461 On December 08, 2003 the Defendant re-inserted WFS Financial into the Plaintiffs
462 report and did not provide 5 day notification as outlined in section 5(ii)(iii)(A)
463 Plaintiff demands judgement in the amount of \$1000.00

464

465 COUNT V

466

467 On December 08, 2003 the Defendant re-inserted Sherman Acquisition into the
468 Plaintiffs report and did not provide 5 day notification as outlined in section 5(ii)(iii)
469 (A)
470 Plaintiff demands judgement in the amount of \$1000.00

471

472 COUNT VI

473

474 On December 08, 2003 the Defendant re-inserted Gates into the Plaintiffs report and
475 did not provide 5 day notification as outlined in section 5(ii)(iii)(A)
476 Plaintiff demands judgement in the amount of \$1000.00

477 COUNT VII

478
479 On December 08, 2003 the Defendant re-inserted Gates into the Plaintiffs report and
480 did not provide 5 day notification as outlined in section 5(ii)(iii)(A)
481 Plaintiff demands judgement in the amount of \$1000.00

482 Count VIII

483
484 On December 08, 2003 the Defendant re-inserted WFS Financial into the Plaintiffs
485 report and did not provide 5 day notification as outlined in section 5(ii)(iii)(A)
486 Plaintiff demands judgement in the amount of \$1000.00

487 COUNT IX

488
489 On December 08, 2003 the Defendant re-inserted Sherman Acquisition into the
490 Plaintiffs report and did not provide 5 day notification as outlined in section 5(ii)(iii)(A)
491 (A)

492 Plaintiff demands judgement in the amount of \$1000.00

493 COUNT X

494
495 On October 18, 2004 the Defendant re-inserted WFS Financial into the Plaintiffs
496 report and did not provide 5 day notification as outlined in section 5(ii)(iii)(A)
497 Plaintiff demands judgement in the amount of \$1000.00

500 COUNT XI

501
502 On September 15, 2005 the Defendant re-inserted WFS Financial into the Plaintiffs
503 report and did not provide 5 day notification as outlined in section 5(ii)(iii)(A)
504 Plaintiff demands judgement in the amount of \$1000.00

505
506 24. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 24
507 hereinabove.

508 COUNT XII through COUNT XIV

509 VIOLATION OF THE FAIR CREDIT REPORTING ACT

510 § 611. Procedure in case of disputed accuracy [15 U.S.C. § 1681i]

511 (a) Reinvestigations of disputed information.

512 (1) Reinvestigation required.

513
514 (A) In general. If the completeness or accuracy of any item of information
515 contained in a consumer's file at a consumer reporting agency is disputed by the
516 consumer and the consumer notifies the agency directly of such dispute, the
517 agency shall reinvestigate free of charge and record the current status of the
518 disputed information, or delete the item from the file in accordance with

522 paragraph (5), before the end of the 30-day period beginning on the date on which
523 the agency receives the notice of the dispute from the consumer.

524 (B) Extension of period to reinvestigate. Except as provided in subparagraph (C),
525 the 30-day period described in subparagraph (A) may be extended for not more
526 than 15 additional days if the consumer reporting agency receives information
527 from the consumer during that 30-day period that is relevant to the
528 reinvestigation.

529 (C) Limitations on extension of period to reinvestigate. Subparagraph (B) shall
530 not apply to any reinvestigation in which, during the 30-day period described in
531 subparagraph (A), the information that is the subject of the reinvestigation is
532 found to be inaccurate or incomplete or the consumer reporting agency
533 determines that the information cannot be verified.

534 (2) Prompt notice of dispute to furnisher of information.

535 (A) In general. Before the expiration of the 5-business-day period beginning on
536 the date on which a consumer reporting agency receives notice of a dispute from
537 any consumer in accordance with paragraph (1), the agency shall provide
538 notification of the dispute to any person who provided any item of information in
539 dispute, at the address and in the manner established with the person. The notice
540 shall include all relevant information regarding the dispute that the agency has
541 received from the consumer.

542 (B) Provision of other information from consumer. The consumer reporting
543 agency shall promptly provide to the person who provided the information in
544 dispute all relevant information regarding the dispute that is received by the
545 agency from the consumer after the period referred to in subparagraph (A) and
546 before the end of the period referred to in paragraph (1)(A).

547 (3) Determination that dispute is frivolous or irrelevant.

548 (A) In general. Notwithstanding paragraph (1), a consumer reporting
549 agency may terminate a reinvestigation of information disputed by a
550 consumer under that paragraph if the agency reasonably determines
551 that the dispute by the consumer is frivolous or irrelevant, including by
552 reason of a failure by a consumer to provide sufficient information to
553 investigate the disputed information.

554 (B) Notice of determination. Upon making any determination in
555 accordance with subparagraph (A) that a dispute is frivolous or
556 irrelevant, a consumer reporting agency shall notify the consumer of
557 such determination not later than 5 business days after making such
558 determination, by mail or, if authorized by the consumer for that
559 purpose, by any other means available to the agency.

560 (C) Contents of notice. A notice under subparagraph (B) shall include

- 561 (i) the reasons for the determination under subparagraph (A); and
- 562 (ii) identification of any information required to investigate the
563 disputed information, which may consist of a standardized form
564 describing the general nature of such information.
- 565 (4) Consideration of consumer information. In conducting any reinvestigation
566 under paragraph (1) with respect to disputed information in the file of any
567 consumer, the consumer reporting agency shall review and consider all relevant
568 information submitted by the consumer in the period described in paragraph
569 (1)(A) with respect to such disputed information.
- 570 (5) Treatment of inaccurate or unverifiable information.
- 571 (A) In general. If, after any reinvestigation under paragraph (1) of any
572 information disputed by a consumer, an item of the information is
573 found to be inaccurate or incomplete or cannot be verified, the
574 consumer reporting agency shall promptly delete that item of
575 information from the consumer's file or modify that item of
576 information, as appropriate, based on the results of the reinvestigation.
- 577 (B) Requirements relating to reinsertion of previously deleted material.
- 578 (i) Certification of accuracy of information. If any information is
579 deleted from a consumer's file pursuant to subparagraph (A), the
580 information may not be reinserted in the file by the consumer reporting
581 agency unless the person who furnishes the information certifies that
582 the information is complete and accurate.
- 583 (ii) Notice to consumer. If any information that has been deleted from
584 a consumer's file pursuant to subparagraph (A) is reinserted in the file,
585 the consumer reporting agency shall notify the consumer of the
586 reinsertion in writing not later than 5 business days after the
587 reinsertion or, if authorized by the consumer for that purpose, by any
588 other means available to the agency.
- 589 (iii) Additional information. As part of, or in addition to, the notice
590 under clause (ii), a consumer reporting agency shall provide to a
591 consumer in writing not later than 5 business days after the date of the
592 reinsertion
- 593 (I) a statement that the disputed information has been reinserted;
- 594 (II) the business name and address of any furnisher of information
595 contacted and the telephone number of such furnisher, if reasonably
596 available, or of any furnisher of information that contacted the
597 consumer reporting agency, in connection with the reinsertion of such
598 information; and

599 (III) a notice that the consumer has the right to add a statement to the
600 consumer's file disputing the accuracy or completeness of the disputed
601 information.

602 (C) Procedures to prevent reappearance. A consumer reporting agency shall
603 maintain reasonable procedures designed to prevent the reappearance in a
604 consumer's file, and in consumer reports on the consumer, of information that
605 is deleted pursuant to this paragraph (other than information that is reinserted
606 in accordance with subparagraph (B)(i)).

607 (D) Automated reinvestigation system. Any consumer reporting agency that
608 compiles and maintains files on consumers on a nationwide basis shall
609 implement an automated system through which furnishers of information to
610 that consumer reporting agency may report the results of a reinvestigation that
611 finds incomplete or inaccurate information in a consumer's file to other such
612 consumer reporting agencies.

613 (6) Notice of results of reinvestigation.

614 (A) In general. A consumer reporting agency shall provide written notice to a
615 consumer of the results of a reinvestigation under this subsection not later than
616 5 business days after the completion of the reinvestigation, by mail or, if
617 authorized by the consumer for that purpose, by other means available to the
618 agency.

619 (B) Contents. As part of, or in addition to, the notice under subparagraph (A),
620 a consumer reporting agency shall provide to a consumer in writing before the
621 expiration of the 5-day period referred to in subparagraph (A)

622 (i) a statement that the reinvestigation is completed;

623 (ii) a consumer report that is based upon the consumer's file as that file is
624 revised as a result of the reinvestigation;

625 (iii) a notice that, if requested by the consumer, a description of the procedure
626 used to determine the accuracy and completeness of the information shall be
627 provided to the consumer by the agency, including the business name and
628 address of any furnisher of information contacted in connection with such
629 information and the telephone number of such furnisher, if reasonably
630 available;

631 (iv) a notice that the consumer has the right to add a statement to the
632 consumer's file disputing the accuracy or completeness of the information;
633 and

634 (v) a notice that the consumer has the right to request under subsection (d) that
635 the consumer reporting agency furnish notifications under that subsection.

636 (7) Description of reinvestigation procedure. A consumer reporting agency shall
637 provide to a consumer a description referred to in paragraph (6)(B)(iii) by not later
638 than 15 days after receiving a request from the consumer for that description.

639 (8) Expedited dispute resolution. If a dispute regarding an item of information in a
640 consumer's file at a consumer reporting agency is resolved in accordance with
641 paragraph (5)(A) by the deletion of the disputed information by not later than 3
642 business days after the date on which the agency receives notice of the dispute from
643 the consumer in accordance with paragraph (1)(A), then the agency shall not be
644 required to comply with paragraphs (2), (6), and (7) with respect to that dispute if the
645 agency

646 (A) provides prompt notice of the deletion to the consumer by telephone;

647 (B) includes in that notice, or in a written notice that accompanies a
648 confirmation and consumer report provided in accordance with
649 subparagraph (C), a statement of the consumer's right to request under
650 subsection (d) that the agency furnish notifications under that
651 subsection; and

652 (C) provides written confirmation of the deletion and a copy of a
653 consumer report on the consumer that is based on the consumer's file
654 after the deletion, not later than 5 business days after making the
655 deletion.

656 (b) Statement of dispute. If the reinvestigation does not resolve the dispute,
657 the consumer may file a brief statement setting forth the nature of the dispute.
658 The consumer reporting agency may limit such statements to not more than
659 one hundred words if it provides the consumer with assistance in writing a
660 clear summary of the dispute.

661 (c) Notification of consumer dispute in subsequent consumer reports. Whenever a
662 statement of a dispute is filed, unless there is reasonable grounds to believe that it is
663 frivolous or irrelevant, the consumer reporting agency shall, in any subsequent
664 consumer report containing the information in question, clearly note that it is disputed
665 by the consumer and provide either the consumer's statement or a clear and accurate
666 codification or summary thereof.

667 (d) Notification of deletion of disputed information. Following any deletion of
668 information which is found to be inaccurate or whose accuracy can no longer be
669 verified or any notation as to disputed information, the consumer reporting agency
670 shall, at the request of the consumer, furnish notification that the item has been
671 deleted or the statement, codification or summary pursuant to subsection (b) or (c) of
672 this section to any person specifically designated by the consumer who has within
673 two years prior thereto received a consumer report for employment purposes, or
674 within six months prior thereto received a consumer report for any other purpose,
675 which contained the deleted or disputed information.

676

677

678

679 COUNT XII

680

681 The Plaintiff sent a letter Certified Mail to Trans Union dated March 5,2004 which
 682 Trans Union received on March 9,2004 the Plaintiff requested the Defendant as
 683 follows. *“Be advised that the description of the procedure used to determine the*
684 accuracy and completeness of the information is hereby requested as well, to be
685 provided within 15 days of the completion of your re-investigation. Please include a
686 contact name from which all information is obtained”.

687 The Defendant to date has not provided this information, violation of (a)(7) and
 688 (6)(iii)

689 Plaintiff demands judgement in the amount of \$1000.00.

690

691 COUNT XIII

692

693 The Plaintiff sent a letter Certified Mail to Trans Union dated April 20,2004 which
 694 Trans Union received on April 24,2004 the Plaintiff requested the Defendant as
 695 follows. *“Be advised that the description of the procedure used to determine the*
696 accuracy and completeness of the information is hereby requested as well, to be
697 provided within 15 days of the completion of your re-investigation. Please include a
698 contact name from which all information is obtained”.

699 The Defendant to date has not provided this information, violation of (a)(7) and
 700 (6)(iii)

701 Plaintiff demands judgement in the amount of \$1000.00.

702

703 COUNT XIV

704

705 The Plaintiff sent a letter Certified Mail to Trans Union dated May 2, 2004 which
 706 Trans Union received on May 8,2004 the Plaintiff requested the Defendant as
 707 follows. *“Be advised that the description of the procedure used to determine the*
708 accuracy and completeness of the information is hereby requested as well, to be
709 provided within 15 days of the completion of your re-investigation. Please include a
710 contact name from which all information is obtained”.

711 The Defendant to date has not provided this information, violation of (a)(7) and
 712 (6)(iii)

713 Plaintiff demands judgement in the amount of \$1000.00.

714

715 COUNT XV

716

717 The Plaintiff sent a letter Certified Mail on or about September 15,2005 to Trans
 718 Union which the defendant received on September 19,2005. The Plaintiff requested
 719 the Defendant as follows. *“Be advised that the description of the procedure used to*
720 determine the accuracy and completeness of the information is hereby requested as
721 well, to be provided within 15 days of the completion of your re-investigation. Please
722 include a contact name from which all information is obtained”.

723 The Defendant to date has not provided this information, violation of (a)(7) and
 724 (6)(iii)

725 Plaintiff demands judgement in the amount of \$1000.00.
726 25. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 25
727 hereinabove.

728

729 COUNT XVI through COUNT XXVII

730

731 **§ 611. Procedure in case of disputed accuracy [15 U.S.C. § 1681i]**

732 (a) Reinvestigations of disputed information.

733 (1) Reinvestigation required.

734 (A) In general. If the completeness or accuracy of any item of information
735 contained in a consumer's file at a consumer reporting agency is disputed by the
736 consumer and the consumer notifies the agency directly of such dispute, the
737 agency shall reinvestigate free of charge and record the current status of the
738 disputed information, or delete the item from the file in accordance with
739 paragraph (5), before the end of the 30-day period beginning on the date on which
740 the agency receives the notice of the dispute from the consumer.

741 (B) Extension of period to reinvestigate. Except as provided in subparagraph (C),
742 the 30-day period described in subparagraph (A) may be extended for not more
743 than 15 additional days if the consumer reporting agency receives information
744 from the consumer during that 30-day period that is relevant to the
745 reinvestigation.

746 (C) Limitations on extension of period to reinvestigate. Subparagraph (B) shall
747 not apply to any reinvestigation in which, during the 30-day period described in
748 subparagraph (A), the information that is the subject of the reinvestigation is
749 found to be inaccurate or incomplete or the consumer reporting agency
750 determines that the information cannot be verified.

751 (2) Prompt notice of dispute to furnisher of information.

752 (A) In general. Before the expiration of the 5-business-day period beginning on
753 the date on which a consumer reporting agency receives notice of a dispute from
754 any consumer in accordance with paragraph (1), the agency shall provide
755 notification of the dispute to any person who provided any item of information in
756 dispute, at the address and in the manner established with the person. The notice
757 shall include all relevant information regarding the dispute that the agency has
758 received from the consumer.

759 (B) Provision of other information from consumer. The consumer reporting
760 agency shall promptly provide to the person who provided the information in
761 dispute all relevant information regarding the dispute that is received by the
762 agency from the consumer after the period referred to in subparagraph (A) and
763 before the end of the period referred to in paragraph (1)(A).

764 (3) Determination that dispute is frivolous or irrelevant.

- 765 (A) In general. Notwithstanding paragraph (1), a consumer reporting
 766 agency may terminate a reinvestigation of information disputed by a
 767 consumer under that paragraph if the agency reasonably determines
 768 that the dispute by the consumer is frivolous or irrelevant, including by
 769 reason of a failure by a consumer to provide sufficient information to
 770 investigate the disputed information.
- 771 (B) Notice of determination. Upon making any determination in
 772 accordance with subparagraph (A) that a dispute is frivolous or
 773 irrelevant, a consumer reporting agency shall notify the consumer of
 774 such determination not later than 5 business days after making such
 775 determination, by mail or, if authorized by the consumer for that
 776 purpose, by any other means available to the agency.
- 777 (C) Contents of notice. A notice under subparagraph (B) shall include
 778 (i) the reasons for the determination under subparagraph (A); and
 779 (ii) identification of any information required to investigate the
 780 disputed information, which may consist of a standardized form
 781 describing the general nature of such information.
- 782 (4) Consideration of consumer information. In conducting any reinvestigation
 783 under paragraph (1) with respect to disputed information in the file of any
 784 consumer, the consumer reporting agency shall review and consider all relevant
 785 information submitted by the consumer in the period described in paragraph
 786 (1)(A) with respect to such disputed information.
- 787 (5) Treatment of inaccurate or unverifiable information.
- 788 (A) In general. If, after any reinvestigation under paragraph (1) of any
 789 information disputed by a consumer, an item of the information is
 790 found to be inaccurate or incomplete or cannot be verified, the
 791 consumer reporting agency shall promptly delete that item of
 792 information from the consumer's file or modify that item of
 793 information, as appropriate, based on the results of the reinvestigation.
- 794 (B) Requirements relating to reinsertion of previously deleted material.
- 795 (i) Certification of accuracy of information. If any information is
 796 deleted from a consumer's file pursuant to subparagraph (A), the
 797 information may not be reinserted in the file by the consumer reporting
 798 agency unless the person who furnishes the information certifies that
 799 the information is complete and accurate.
- 800 (ii) Notice to consumer. If any information that has been deleted from
 801 a consumer's file pursuant to subparagraph (A) is reinserted in the file,
 802 the consumer reporting agency shall notify the consumer of the
 803 reinsertion in writing not later than 5 business days after the

804 reinsertion or, if authorized by the consumer for that purpose, by any
805 other means available to the agency.

806 (iii) Additional information. As part of, or in addition to, the notice
807 under clause (ii), a consumer reporting agency shall provide to a
808 consumer in writing not later than 5 business days after the date of the
809 reinsertion

810 (I) a statement that the disputed information has been reinserted;

811 (II) the business name and address of any furnisher of information
812 contacted and the telephone number of such furnisher, if reasonably
813 available, or of any furnisher of information that contacted the
814 consumer reporting agency, in connection with the reinsertion of such
815 information; and

816 (III) a notice that the consumer has the right to add a statement to the
817 consumer's file disputing the accuracy or completeness of the disputed
818 information.

819 (C) Procedures to prevent reappearance. A consumer reporting agency shall
820 maintain reasonable procedures designed to prevent the reappearance in a
821 consumer's file, and in consumer reports on the consumer, of information that
822 is deleted pursuant to this paragraph (other than information that is reinserted
823 in accordance with subparagraph (B)(i)).

824 (D) Automated reinvestigation system. Any consumer reporting agency that
825 compiles and maintains files on consumers on a nationwide basis shall
826 implement an automated system through which furnishers of information to
827 that consumer reporting agency may report the results of a reinvestigation that
828 finds incomplete or inaccurate information in a consumer's file to other such
829 consumer reporting agencies.

830 (6) Notice of results of reinvestigation.

831 (A) In general. A consumer reporting agency shall provide written notice to a
832 consumer of the results of a reinvestigation under this subsection not later than
833 5 business days after the completion of the reinvestigation, by mail or, if
834 authorized by the consumer for that purpose, by other means available to the
835 agency.

836 (B) Contents. As part of, or in addition to, the notice under subparagraph (A),
837 a consumer reporting agency shall provide to a consumer in writing before the
838 expiration of the 5-day period referred to in subparagraph (A)

839 (i) a statement that the reinvestigation is completed;

840 (ii) a consumer report that is based upon the consumer's file as that file is
841 revised as a result of the reinvestigation;

842 (iii) a notice that, if requested by the consumer, a description of the procedure
 843 used to determine the accuracy and completeness of the information shall be
 844 provided to the consumer by the agency, including the business name and
 845 address of any furnisher of information contacted in connection with such
 846 information and the telephone number of such furnisher, if reasonably
 847 available;

848 (iv) a notice that the consumer has the right to add a statement to the
 849 consumer's file disputing the accuracy or completeness of the information;
 850 and

851 (v) a notice that the consumer has the right to request under subsection (d) that
 852 the consumer reporting agency furnish notifications under that subsection.

853 (7) Description of reinvestigation procedure. A consumer reporting agency shall
 854 provide to a consumer a description referred to in paragraph (6)(B)(iii) by not later
 855 than 15 days after receiving a request from the consumer for that description.

856 (8) Expedited dispute resolution. If a dispute regarding an item of information in a
 857 consumer's file at a consumer reporting agency is resolved in accordance with
 858 paragraph (5)(A) by the deletion of the disputed information by not later than 3
 859 business days after the date on which the agency receives notice of the dispute from
 860 the consumer in accordance with paragraph (1)(A), then the agency shall not be
 861 required to comply with paragraphs (2), (6), and (7) with respect to that dispute if the
 862 agency

863 (A) provides prompt notice of the deletion to the consumer by telephone;

864 (B) includes in that notice, or in a written notice that accompanies a
 865 confirmation and consumer report provided in accordance with
 866 subparagraph (C), a statement of the consumer's right to request under
 867 subsection (d) that the agency furnish notifications under that
 868 subsection; and

869 (C) provides written confirmation of the deletion and a copy of a
 870 consumer report on the consumer that is based on the consumer's file
 871 after the deletion, not later than 5 business days after making the
 872 deletion.

873 (b) Statement of dispute. If the reinvestigation does not resolve the dispute,
 874 the consumer may file a brief statement setting forth the nature of the dispute.
 875 The consumer reporting agency may limit such statements to not more than
 876 one hundred words if it provides the consumer with assistance in writing a
 877 clear summary of the dispute.

878 (c) Notification of consumer dispute in subsequent consumer reports. Whenever a
 879 statement of a dispute is filed, unless there is reasonable grounds to believe that it is
 880 frivolous or irrelevant, the consumer reporting agency shall, in any subsequent
 881 consumer report containing the information in question, clearly note that it is disputed

882 by the consumer and provide either the consumer's statement or a clear and accurate
883 codification or summary thereof.

884 (d) Notification of deletion of disputed information. Following any deletion of
885 information which is found to be inaccurate or whose accuracy can no longer be
886 verified or any notation as to disputed information, the consumer reporting agency
887 shall, at the request of the consumer, furnish notification that the item has been
888 deleted or the statement, codification or summary pursuant to subsection (b) or (c) of
889 this section to any person specifically designated by the consumer who has within
890 two years prior thereto received a consumer report for employment purposes, or
891 within six months prior thereto received a consumer report for any other purpose,
892 which contained the deleted or disputed information.

893
894 26. The Plaintiff provided proof of dispute by sending copies of each letter sent to
895 trade lines in dispute and copies of US mail certification of each disputed
896 trade line to the Defendant in his letter of April 20 and May 2, 2004. The
897 Defendant is required under the law to insert that the account is in dispute,
898 which the Defendant has not done. This also includes trade lines that were
899 deleted and reinserted into the Plaintiffs credit report.

900
901 COUNT XVI

902
903 Trade Line MBNA Defendant did not note as in dispute. Violation of section 8(c)
904 Plaintiff demands judgement in the amount of \$1000.00.

905
906 COUNT XVII

907
908 Trade Line Bank One Columbus Defendant did note as in dispute. Violation of
909 section 8(c)
910 Plaintiff demands judgement in the amount of \$1000.00.

911
912 COUNT XVIII

913
914 Trade Line Providian Defendant did not note as in dispute. Violation of section 8(c)
915 Plaintiff demands judgement in the amount of \$1000.00.

916
917 COUNT XIX

918
919 Trade Line GECC Defendant did not note as in dispute. Violation of section 8(c)
920 Plaintiff demands judgement in the amount of \$1000.00.

921
922 COUNT XX

923
924 Trade Line Home Depot Defendant did not note as in dispute. Violation of section
925 8(c)
926 Plaintiff demands judgement in the amount of \$1000.00.

928 COUNT XXI
929
930 Trade Line Lowes GECAP Defendant did not note as in dispute. Violation of section
931 8(c)
932 Plaintiff demands judgement in the amount of \$1000.00.
933
934 COUNT XXII
935
936 Trade Line Collect America Defendant did not note as in dispute. Violation of section
937 8(c)
938 Plaintiff demands judgement in the amount of \$1000.00.
939
940 COUNT XXIII
941
942 Trade Line Anderson Financial Network Defendant did not note as in dispute.
943 Violation of section 8(c)
944 Plaintiff demands judgement in the amount of \$1000.00.
945
946 COUNT XXIV
947
948 Trade Line Mortgage Service Center Defendant did not note as in dispute. Violation
949 of section 8(c)
950 Plaintiff demands judgement in the amount of \$1000.00.
951
952 COUNT XXV
953
954 Trade Line WFN Value City Defendant did not note as in dispute. Violation of
955 section 8(c)
956 Plaintiff demands judgement in the amount of \$1000.00.
957
958 COUNT XXVI
959
960 Trade Line WFS Financial, Defendant did not note as in dispute. Violation of section
961 8(c)
962 Plaintiff demands judgement in the amount of \$1000.00.
963
964 COUNT XXVII
965
966 Trade Line WFS Financial, (Sept.05)report #144209481 Defendant did not note as in
967 dispute. Violation of section 8(c)
968 Plaintiff demands judgement in the amount of \$1000.00.
969
970 26. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 26
971 hereinabove.
972

973 **616. Civil liability for willful noncompliance [15 U.S.C. § 1681n]**

974 (a) In general. Any person who willfully fails to comply with any requirement
 975 imposed under this title with respect to any consumer is liable to that consumer in an
 976 amount equal to the sum of

977

978 (1) (A) any actual damages sustained by the consumer as a result of the failure or
 979 damages of not less than \$100 and not more than \$1,000; or

980 (B) in the case of liability of a natural person for obtaining a consumer report
 981 under false pretenses or knowingly without a permissible purpose, actual
 982 damages sustained by the consumer as a result of the failure or \$1,000,
 983 whichever is greater;

984 (2) such amount of punitive damages as the court may allow; and

985 (3) in the case of any successful action to enforce any liability under this section, the
 986 costs of the action together with reasonable attorney's fees as determined by the court.

987(b) Civil liability for knowing noncompliance. Any person who obtains a consumer
 988 report from a consumer reporting agency under false pretenses or knowingly without a
 989 permissible purpose shall be liable to the consumer reporting agency for actual damages
 990 sustained by the consumer reporting agency or \$1,000, whichever is greater.

991 (c) Attorney's fees. Upon a finding by the court that an unsuccessful pleading, motion,
 992 or other paper filed in connection with an action under this section was filed in bad faith
 993 or for purposes of harassment, the court shall award to the prevailing party attorney's fees
 994 reasonable in relation to the work expended in responding to the pleading, motion, or
 995 other paper.

996 **§ 617. Civil liability for negligent noncompliance [15 U.S.C. § 1681o]**

997(a) In general. Any person who is negligent in failing to comply with any requirement
 998 imposed under this title with respect to any consumer is liable to that consumer in an
 999 amount equal to the sum of

1000 (1) any actual damages sustained by the consumer as a result of the failure;

1001 (2) in the case of any successful action to enforce any liability under this section, the
 1002 costs of the action together with reasonable attorney's fees as determined by the court.

1003(b) Attorney's fees. On a finding by the court that an unsuccessful pleading, motion, or
 1004 other paper filed in connection with an action under this section was filed in bad faith or
 1005 for purposes of harassment, the court shall award to the prevailing party attorney's fees
 1006 reasonable in relation to the work expended in responding to the pleading, motion, or
 1007 other paper.

1008

1009 24. Plaintiff demands judgement in the amount of \$350,000.00 for willful non-
 1010 compliance and negligent noncompliance.

1011 27. Plaintiff re-alleges the allegations set forth in paragraphs 1 through 27
 1012 hereinabove.

1013
 1014 Statute of Limitation and Jurisdiction of the Court.
 1015

1016 **§ 618. Jurisdiction of courts; limitation of actions [15 U.S.C. § 1681p]**

1017 An action to enforce any liability created under this title may be brought in any
 1018 appropriate United States district court without regard to the amount in controversy,
 1019 or in any other court of competent jurisdiction, within two years from the date on
 1020 which the liability arises, except that where a defendant has materially and willfully
 1021 misrepresented any information required under this title to be disclosed to an
 1022 individual and the information so misrepresented is material to the establishment of
 1023 the defendant's liability to that individual under this title, the action may be brought at
 1024 any time within two years after discovery by the individual of the misrepresentation.
 1025

1026 **WHEREFORE**, the Defendant has violated the Fair Credit Reporting Act.

1027 The Plaintiffs credit score and credit report has been damaged causing, based upon
 1028 the foregoing, the Plaintiff has suffered the denial of credit, higher interest rates to
 1029 obtain credit, monetary damages, humiliation, mental anguish, emotional distress
 1030 embarrassment and injury to creditworthiness. The Plaintiffs reputation has been
 1031 damaged. Plaintiff has a negative Trans Union Credit Score of 547 as of this date and
 1032 has been denied credit at reasonable rates because of the actions and/or inaction's of
 1033 the defendant.

1034 Defendant has willfully, repeatedly and knowingly violated Plaintiff's rights afforded
 1035 under The Federal Fair Credit Reporting Act (FCRA).

1036

1037 **THEREFORE**, the Plaintiff respectfully requests a Judgment of this Court awarding
 1038 economic, compensatory and punitive damages all as provided by law, equitable
 1039 relief, the costs and disbursements of this action and for such other and further relief
 1040 as the Court may deem just and proper.

1041 As stated, damages of \$1,000 per violation, total \$27,000.00 and punitive damages of
 1042 \$350,000.00 as allowed by the court. Trial by Jury is demanded.

1043

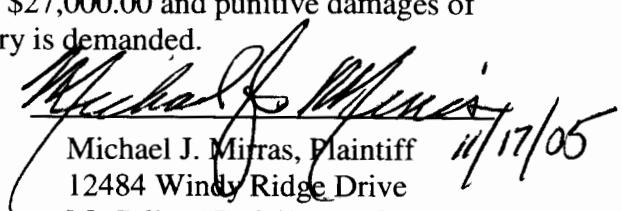
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1048


 Michael J. Mirras, Plaintiff
 12484 Windy Ridge Drive
 McCalla, AL. 35111-2800
 205-938-1982/559-4610

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

Michael J. Mirras
Plaintiff

Vs.

Case No.:

Trans Union LLC
Defendant

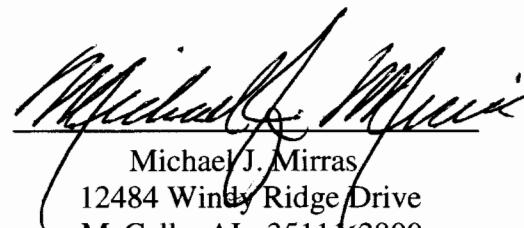
CV-05-J-2360-S

STATEMENT UPON WHICH RELIEF CAN BE GRANTED

The defendant has violated the law under The Fair Credit Reporting Act 15 U.S.C. §1681*et seq*

1. A settlement agreement between the Plaintiff and the Defendant that the Defendant shall remove any derogatory information and baseless inquiries from the Plaintiff's Trans Union credit report file. Merge all files to create one file under the legal name of the Plaintiff, Michael J. Mirras. Trans Union will assure that the correct information appears now and in the future on all credit reports submitted to any credit requestor and or credit-reporting agency Trans Union uses. Trans Union will update to all its subsidiaries and or other independent reporting agencies that obtain this information from Trans Union and provide proof to the Plaintiff that this has been done. And that Trans Union will assure that the removed derogatory information is blocked from future re-insertion into the Plaintiff's credit report and any other known credit reporting agencies Trans Union has used now or may use in the future.
2. Defendant must also provide a letter and or Universal Data Form indicating that they have provided the above actions and send same to the Plaintiff. The Defendant will be barred from selling or transferring of the incorrect deleted derogatory information to any other entity, credit reporting agency or credit provider and also barred now and in the future from re-entering this information into the Plaintiffs credit report.
3. Payment in the amount of \$377,000.00 total for each of the separate violations and punitive damages the Defendant has committed.

Dated this 17TH Day of November, 2005



Michael J. Mirras
12484 Windy Ridge Drive
McCalla, AL. 35111-2800
205-938-1982/559-4610